

SUPERIOR COURT BERGEN COUNTY
FILED

MAR 17 2004


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CHARLES J. WALSH
J.S.G.

IN RE: DIET DRUG LITIGATION
VENUED IN BERGEN COUNTY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L-7718-03 MT
CASE CODE 240

APPLICABLE TO ALL CASES

**CONSENT ORDER REGARDING
PRO HAC VICE ADMISSIONS**

THIS MATTER having been opened to the Court by counsel for plaintiffs and the Wyeth defendants, and the Discovery Committee having agreed to the provisions of the within Order, and counsel for plaintiffs and the Wyeth defendants having agreed to the form and entry of this Order, and good cause having been shown,

IT IS on this 17th day of March, 2004, ORDERED AS FOLLOWS:

1. The form application and Order for *Pro Hac Vice* Admission For Purposes Of Discovery and Pre-Trial Court Proceedings attached hereto as Exhibit A is approved for use in this litigation.

2. A party seeking the admission of counsel *pro hac vice* by way of the attached form shall simultaneously file it with the Court and serve it upon counsel in the action(s) in which it is to be entered. In the absence of a valid written objection filed with the Court and served on counsel for the requesting party within five days of submission and service, the Order for *Pro*

Hac Vice Admission For Purposes Of Discovery And Pre-Trial Court Proceedings will be entered.

3. Entry of this Order does not preclude a party from seeking *pro hac vice* admission pursuant to Case Management Order No. 1, § IV, subpart 6, or otherwise filing a formal motion for *pro hac vice* admission of counsel.

4. A copy of this Order shall be served to all counsel of record via Verilaw upon receipt.



Hon. Charles J. Walsh, J.S.C.

EXHIBIT A

757068

[Movant Firm]
[Movant Firm Address]
[Movant Party]

[CAPTION]

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L-[Docket #] MT
CASE CODE 240

CIVIL ACTION
DIET DRUG LITIGATION

**NOTICE OF MOTION ON FIVE DAYS
NOTICE FOR *PRO HAC VICE*
ADMISSION FOR PURPOSES OF
DISCOVERY AND PRE-TRIAL
COURT PROCEEDINGS**

[Party Name] respectfully requests entry of the within Order for the admission of [Applicant Name(s)] *pro hac vice* in the captioned matter(s) under R. 1:21-2, for purposes of discovery and pre-trial court proceedings pursuant to Case Management Order No. 2, ¶ 13.

1. I am not aware of any basis on which [Applicant Name(s)] would be required to be called as a witness in any matter before the Court.
2. [Movant Firm] will sign and submit all pleadings, motions, correspondence and other papers to the Court, and shall be responsible for them and for the conduct of the litigation and of the admitted attorney.
3. A copy of this application has been simultaneously served to all counsel in the captioned matter(s).
4. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated:

[Sponsoring Attorney Name]

Approved Short Form Application Pursuant to
Consent Order Regarding *Pro Hac Vice* Admissions

Applicant Certification

[Applicant Name] respectfully requests admission *pro hac vice* in the captioned matter(s) under R. 1:21-2, for purposes of discovery and pre-trial court proceedings pursuant to Case Management Order No. 2, ¶ 13.

1. I am a practicing attorney and [Title] of the law firm of [Firm Name and Full Address].
2. I am member in good standing of the bar of the State of [Name of State(s)]. I principally practice law in [State] and am domiciled in [State].
3. [Party] has requested that I be admitted as counsel *pro hac vice* in the captioned matter(s).
4. I am associated in the captioned matter(s) with New Jersey counsel of record qualified to practice law pursuant to R. 1:21-1 at [Movant Firm], who will sign and submit all pleadings, motions, correspondence and other papers to the Court and will be responsible for them, for the conduct of this litigation, and for my conduct in this litigation.
5. I am not aware of any basis on which I would be required to be called as a witness in any matter before the Court.
6. I agree to abide by the New Jersey Rules of Court, including all disciplinary rules, and consent to the appointment of the Clerk of the Supreme Court as an agent upon whom service of process may be made for all actions against me or my law firm that may arise out of my participation in this litigation.
7. No disciplinary proceedings are pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction. If my application for *pro hac vice* admission is granted, I will notify the Court immediately during the period of my admission if any disciplinary proceedings are instituted against me or if any matter arises that affects my standing at the bar of any other court.
8. [If seeking admission to represent a plaintiff:] All retainer agreements with clients in the New Jersey diet drug litigation do not, and in the future will not, violate any of the contingency fee provisions in the New Jersey Rules of Court.
9. [If seeking admission to represent a corporate defendant:] Neither myself nor my law firm serves or has served as in-house counsel to [Party Name], or has been involved with policy or management decisions that would require that I be called as witness in any matter before the Court.
10. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated:

[Applicant Name]
[Phone No.]
[Fax No.]
[E-mail Address]

[If multiple *pro hac vice* admissions are sought by this application, attach additional Applicant Certifications.]

[Movant Firm]
[Movant Firm Address]
[Movant Party]

[CAPTION]

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L-[Docket #] MT
CASE CODE 240

CIVIL ACTION
DIET DRUG LITIGATION

**ORDER FOR *PRO HAC VICE* ADMISSION
FOR PURPOSES OF DISCOVERY AND
PRE-TRIAL COURT PROCEEDINGS**

This matter having come before the Court in accordance with the Consent Order Regarding *Pro Hac Vice* Admissions, and for good cause shown, it is hereby ordered that [Applicant Name(s)] is/are hereby admitted *pro hac vice* for purposes of discovery and pre-trial court proceedings in the captioned matter(s) pursuant to Case Management Order No. 2, ¶ 13. The admitted attorney(s) shall:

- (a) abide by the New Jersey Court Rules, including all disciplinary rules;
- (b) consent to the appointment of the Clerk of the Supreme Court as an agent upon whom service of process may be made for all actions against them or their firms that may arise out of their participation in this matter;
- (c) notify the Court immediately if any disciplinary proceedings are instituted against them or if any matters arise that affect their standing at the bar of any court during the period of their admissions;
- (d) have attorneys at [Movant Firm] admitted to practice law in New Jersey sign and submit all pleadings, motions, correspondence and other papers to the Court, who shall be responsible for them and for the conduct of the litigation and of the admitted attorney; and
- (e) comply with the annual payment requirements of R. 1:20-1(b) (Disciplinary Oversight Committee), R. 1:28-2 (New Jersey Lawyers Fund for Client Protection), and R. 1:28B-1(e) (Lawyers Assistance Program) during the period of their admissions.

CHARLES J. WALSH, J.S.C.

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